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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,701	12/13/2000	Toru Okawa	614.1788D/DSG	7516
21171	7590	01/21/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HUYNH, BA	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/734,701	TORU OKAWA	
	Examiner	Art Unit	
	Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-4, 7-8, 11-12, 15-16, 18, 20, 22, 24, 26, 28, 30, 32, 35-36, 38, 40, 42, 44-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 3,4,7,8,11,12,15,16,18,20,22,24,26,28,30,32,35,36,38,40,42 and 44-46.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 45 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim languages “erasing/storing”, “from/to”, “thinning/expanding”, “thins/adds”, “sucked/spread”, “convergence/restoration”. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 45, 46 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite the step of erasing/restoring of an image without any hardware to support for the step. The language of the claims raise a question as to whether the claims are directed merely to abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 USC 101.

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3. Claims 3, 7, 11, 15, 18, 20, 22, 24, 26, 28, 30, 32, 35, 38, 40, 42, 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent #5,636,336 (Adachi).

- As for claims 3, 7, 11, 15, 18, 22, 26, 30, 35, 38, 42, 45, 46: Adachi teaches a computer implemented display control system (fig 2) and corresponding method for data control during screen display operations, comprising the means/steps:
pointing device 32 that indicates a position 68 on a screen of a display unit 24,
a graphic data processing means 22 having deleting means 52 that successively deletes first elements (i.e., picture elements) of data from a specified area 64 of the screen and rearranges second elements remaining in the specified area (i.e., remaining picture elements) to provide an appearance that the second elements of data are gradually withdrawn from the specified area at the indicated position, the deleting means including a speed control unit that automatically control the time interval to be automatically successively shorter in accordance with successive deletions of the first elements as the number of first elements in each row and column become less and less (see explanation of . The second elements are rearranged in a spiral pattern (i.e., in a rotated pattern, 3:58-65; 7:9-11; 9:63 - 10:5).
- As for claims: 20, 24, 28, 32, 40, 44: Adachi teaches a computer implemented display control system (fig 2) and corresponding method for data control during screen display operations, comprising the means/steps:
pointing device 32 that indicates a position 68 on a screen of a display unit 24,
a graphic data processing means 22 having restoring means 56 that successively restores elements (i.e., picture elements) of data to a specified area 64 of the screen to

provide an appearance that the elements of data are gradually reappears at the specified area at the indicated position, the restoring means including a speed control unit that control the time interval to be successively shorter depending on the pressure applied to the pen during the deletion process (10:28-47). The elements are restored in a spiral pattern (i.e., in a rotated pattern, 3:58-65; 7:9-11; 9:63 - 10:5).

Claim Rejections - 35 USC § 103

4. Claims 4, 8, 12, 16, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,636,336 (Adachi).

- As for claims 4, 8, 12, 16, 36: Adachi fails to clearly teach the displaying of an image indicating the completion of the deleting/restoring process. However Official notice is taken that implementation of displaying an image indicating the completion of a process is well known. It would have been obvious to one of skill in the art, at the time the invention was made, to implement the displaying of an image indicating the completion of the deleting/restoring process to Adachi. Motivation of the implementation is for providing a visual feedback indicating the completion of the deleting/restoring process.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive.

REMARKS:

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In response to the argument that Adachi does not teach the amended limitation “automatically controls respective time intervals to be automatically successively shorter in accordance with successive deletions of the first elements”, the limitation is inherently included in Adachi’s teaching of successively erasing the rows and column of pixels, because the number of pixels in each row and column gradually reduced after each interval which make the deletion time interval automatically become successively shorter.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Heather Herndon can be reached on (571) 272-4136.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
1/14/05

BA HUYNH
PRIMARY EXAMINER